

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNIVERSITAS EDUCATION, LLC,

Petitioner/Judgment Creditor,

v.

Case No. 14-FJ-5-HE

NOVA GROUP, INC.,

and

AVON CAPITAL, LLC, a Connecticut
limited liability company,

Respondents/Judgment Debtors,

and

AVON CAPITAL, LLC, a Wyoming
Limited Liability Company,

Intervenor.

**INTERVENOR’S MOTION FOR EXTENSION OF TIME TO
FILE MOTION TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER**

Intervenor Avon Capital, LLC, a Wyoming Limited Liability Company, by the undersigned counsel, moves this Court for an order granting Intervenor an extension of time to file a Motion to Quash Subpoena and for Protective Order. In support of this motion, Intervenor states as follows:

1. On September 18, 2019, Petitioner served a Rule 45 subpoena for “Donald Trudeau” (“Trudeau Subpoena”) upon Intervenor’s counsel. [Doc. # 159-2].
2. Donald Trudeau (“Trudeau”) is the principal member of Intervenor.

3. Intervenor's current deadline to file a Motion to Quash Subpoena and for Protective Order is October 2, 2019.

4. The Trudeau Subpoena commands the deposition of Donald Trudeau and for the production of documents on October 18, 2019. [Doc. # 159-2].

5. Petitioner also served Rule 45 subpoenas upon Andrew Terrell and Wells Fargo, N.A. that commanded their depositions and the production of documents ("Additional Subpoenas"). [Doc. # 159-1]; [Doc. # 159-3].

6. Contrary to this Court's May 31, 2019 Order, Petitioner commanded the production of Trudeau's personal finances and assets in the Trudeau Subpoena and the Additional Subpoenas.¹ [Doc. # 159-1]; [Doc. # 159-3].

7. Intervenor is concerned Petitioner has commanded the production of Trudeau's personal finances and assets in the Trudeau Subpoena and in the Additional Subpoenas. [Doc. # 159-1]; [Doc. # 159-2]; [Doc. # 159-3].

8. Unsuccessful attempts were made by Intervenor's counsel to contact Petitioner's counsel on September 27, 2019 and October 2, 2019 to discuss its concerns with the Trudeau Subpoena and Additional Subpoenas.

¹ On May 31, 2019, this Court granted Petitioner permission to conduct post-judgment discovery, "but with limitations" ("Court's Order"). [Doc. # 150-1]. The Court limited post-judgment discovery to "knowledgeable representative[s] of Intervenor [Avon Capital-WY]." [Doc. #150-9]. The Court further limited the post-judgment discovery proceedings to "transfer[s] of assets between [Avon Capital-WY and judgment debtor.]" [Doc. # 150-9]. However, the Trudeau Subpoena was issued to Trudeau in his individual capacity and not as a representative of Avon Capital, LLC. The Trudeau Subpoena further states the "[t]he deposition will concern the ownership of Avon Capital, LLC a Wyoming Limited Liability Company, and related issues of collectability." [Doc. #160-4].

9. Intervenor called and left a voicemail with Petitioner's counsel on Friday, September 27, 2019 to discuss its concerns with the Trudeau Subpoena and the Additional Subpoenas.

10. Intervenor again called Petitioner's counsel on Wednesday, October 2, 2019 to discuss the same concerns.

11. As of October 2, Petitioner's counsel has not responded to Intervenor's voicemail.

12. After unsuccessful attempts to confer with opposing counsel, this extension is requested by Intervenor for additional time to file a Motion to Quash Subpoena and for Protective Order.

13. Intervenor requests a five day extension to file a Motion to Quash the Trudeau Subpoena and for Protective Order up to and including October 7, 2019.

14. An extension of five days would provide Intervenor with a reasonable amount of time to prepare its motion.

15. Intervenor's deadline to file a Motion to Quash Subpoena and for Protective Order has not yet expired.

16. Intervenor requests this extension of time in good faith and not in an effort to delay this matter. This brief extension of time will not prejudice any party.

WHEREFORE, Intervenor Avon Capital, LLC, a Wyoming Limited Liability Company, respectfully requests an extension of time to file a Motion to Quash Subpoena and for Protective Order up to and including October 7, 2019, and to grant such further relief as the Court deems proper.

/s/ Alan L. Rupe

Alan L. Rupe, OBA No. 20440
LEWIS BRISBOIS BISGAARD & SMITH LLP
1605 N. Waterfront Parkway, Suite 150
Wichita, KS 67206
Telephone: 316-609-7900
Facsimile: 316-462-5746

Attorney for Avon Capital, LLC, a Wyoming Limited Liability Company

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2019, I electronically filed the above and foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record:

/s/ Alan L. Rupe

Alan L. Rupe